

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

RANDY KESSLER,

1:13-cv-00767-JE

Plaintiff,

ORDER

v.

CAROLYN W. COLVIN,
Commissioner, Social Security
Administration,

Defendant.

BROWN, Judge.

Magistrate Judge John Jelderks issued Findings and Recommendation (#20) on March 3, 2015, in which he recommends this Court dismiss this matter without prejudice for failure to prosecute. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

On March 18, 2015, Plaintiff filed a Motion (#23) for Extension of Time to File an Objection to the Magistrate Judge's Findings and Recommendation and a Motion (#24) for Appointment of

Counsel. On March 20, 2015, the Court granted Plaintiff's Motion for Extension of Time and permitted Plaintiff to file an opening brief no later than April 23, 2015, but advised Plaintiff that failure to file his opening brief by April 23, 2015, would result in dismissal of this case for failure to prosecute. On March 23, 2015, the Court granted Plaintiff's Motion for Appointment of Counsel and directed the Clerk to appoint *pro bono* counsel. The Court informed Plaintiff, however, that he must file his opening brief "as ordered regardless whether Pro Bono counsel is found to assist him."

The Clerk has not been successful in locating *pro bono* counsel able and willing to assist Plaintiff, and the record reflects Plaintiff has failed to file any opening brief within the time permitted by the Court.

Accordingly, because no objections to the Magistrate Judge's Findings and Recommendation were timely filed, this Court is relieved of its obligation to review the record *de novo*. See *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009). See also *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)(*en banc*). Having reviewed the legal principles *de novo*, the Court does not find any error.

CONCLUSION

The Court **ADOPTS** Magistrate Judge Jelderks's Findings and

Recommendation (#20). Accordingly, the Court **DISMISSES** this matter **without prejudice** for failure to prosecute.

IT IS SO ORDERED.

DATED this 30th day of April, 2015.

/s/ Marco Hernandez for

ANNA J. BROWN
United States District Judge